IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 9287 of 1996

Between:

E. Kamesh, s/o. E. Venkatesh, R/o.H.No. 13-1-187, peddakapu Veedhi, Tirupathi,
Chittoor District, A.P.,

..... PETITIONER

AND

1 The Executive Officer, T.T.D., Tirupathi, Chittoor District, A.P.,
2 The Dy. Executive Officer, Canteen of Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor Dist., A.P.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature or writ of Mandamus, directing the respondents here in i.e., 1 and 2 to pay monthly wages as paid to the workers working in Nityananandhanam scheme and Laddu packing and Carrying Section and Kalyanakatta to the petitioner herein after calling for the records and to pass.

Counsel for the Petitioner: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent Nos. 1& 2: MR.M.ADINARAYANA RAJU

The Court made the following :

:ORAL ORDER:

In the ‘Vykuntam’ queue complex at Tirumala, there are number of compartments having considerable seating capacity in each. With a view to cater to pilgrims in each of those compartments of the queue complex, the Tirumala Tirupathi Devasthanam (for short ‘TTD’) initiated the facility of supplying eatables in three categories viz., snacks, beverages and biscuits. Commission vendors were given licenses on a commission basis. These vendors obtain eatables from the TTD canteens, sell them in the compartments in the queue complex to which they are accredited, account to the canteens after sales and receive a percentage of commission on *per deim* sale basis. The petitioner claims to have been working as a vendor of biscuits in the queue complex since 1987 and claims regularization in the service of the TTD on the basis of such licensed vendor relationship with TTD for a long duration. In support of his claim, he relies on the fact that casual employees working in ‘Nitya Annadanam’ scheme with effect from 1985 and in ‘Potu and Kalyana Kattas’ had the benefit of their services being regularized, while no similar treatment is extended to the licensed commission vendors in the queue complex.

The TTD has filed a counter affidavit, admitting the facts, but contending that insofar as regularization of services of ‘Potu and Kalyana Katta’ casual employees is concerned, the casual employment of that class of employees was regularized into the service of TTD on the basis of orders issued by the Government in that regard. The TTD asserts that there is no similarity between the status of the petitioner and the erstwhile casual employees of ‘Potu and Kalyana Katta’.

On first principles, this court discerns no identity between the circumstances prevailing in the queue complex and those of the ‘Potu and Kalyana Katta’. The functions of these three areas of TTD are distinct, the administrative circumstances dissimilar and the features of these three areas of TTD do not posit an identity of

functions, administrative concerns, relevant to the TTD nor do they bear other characteristics, which warrant treatment as identical institutions. On this premise, no Mandamus can issue to direct that the case of the petitioner should also be considered for regularization of service, as was considered by the TTD in the case of casual employees of 'Potu and Kalyana Katta'. The regularization into the service of TTD of commission vendors in the queue complex is an aspect intrinsically within the domain of the administration of the TTD.

In the circumstances, the specific relief sought by the petitioner cannot be granted. The writ petition is, accordingly, dismissed. The petitioner is, however, at liberty to make a representation to the TTD putting forth whatever claims he desires to include in his representation. The said representation may be considered by the TTD in accordance with its administrative choices and law. No costs.

_____

GODA RAGHURAM, J

Dt. 02-08-2004

Pvks/*

To

1 The Executive Officer, T.T.D., Tirupathi, Chittoor District, A.P.,
2 The Dy. Executive Officer, Canteen of Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor Dist., A.P.,

3.2CD copies